

**Notice of Allowability**

Application No.

10/820,639

Examiner

Patricia L. Hailey

Applicant(s)

MANCO ET AL.

Art Unit

1755

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an Amendment after Final Rejection, filed June 1, 2006.
2. ☒ The allowed claim(s) is/are 2,3,5,6,10,28,29,32 and 33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>June 22, 2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                              |
|   | 9. <input type="checkbox"/> Other _____.  |

Applicants' Amendment after Final Rejection, filed on June 1, 2006, has been made of record and entered. In this amendment, claims 7-9, 22-27, 30, and 31 have been canceled, and new claims 32 and 33 have been added. Additionally, the Specification at paragraph [0036] has been amended to correct a grammatical error.

Claims 2-6, 10, 28, 29, 32, and 33 are now pending in this application.

#### ***Withdrawn Rejections***

The 112(2) rejection of claims 24, 26, 27, and 29 for lacking antecedent basis, as stated in the previous Office Action, has been withdrawn in view of Applicants' cancellation of these claims.

The 102(e) rejection of claims 7, 8, 22-25, and 30 as being anticipated by Kohler et al. (U. S. Patent No. 6,844,286), and the 103(a) rejection of claims 9, 27, 27, and 31 as being unpatentable over the aforementioned Kohler et al. reference as applied to claims 7 and 8, and further in view of Mussell (U. S. Patent No. 5,702,755), have both been withdrawn in view of Applicants' cancellation of these claims.

#### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Pamela Curbelo on June 21, 2006.

*The application has been amended as follows:*

- a. Please cancel claim 4.*
- b. In line 1 of claim 3, please change "8" to "2".*

Claim 4 has been canceled, as the subject matter therein is present in claim 5 (see line 5 thereof). Claim 3 has been amended to ensure proper claim dependency, as claim 8 has been canceled.

***Allowable Subject Matter***

2. Claims 2, 3, 5, 6, 10, 28, 29, 32, and 33 are allowed.

***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

The cited references of record do not teach or suggest the catalyst ink composition recited in claim 5, comprising specified amounts of a catalyst compound, a perfluorinated sulfonyl fluoride polymer, an ester, and polyvinyl alcohol.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

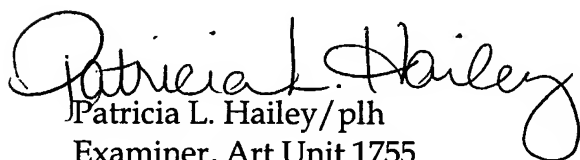
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patricia L. Hailey/plh  
Examiner, Art Unit 1755  
June 21, 2006



J. A. LORENGO  
SUPERVISORY PATENT EXAMINER